

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 11, 2007

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 8:06 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; William Weaver, Sewer Authority Director; Gary Imblum; Dennis McEnany, RSR Realtors; and Bruce D. Foreman, Esquire.

Pledge of Allegiance

Mr. Hawk dispensed with the recitation of the Pledge of Allegiance.

Public Comment

None was presented.

Presentation by Gary Imblum regarding the collection of delinquent sanitary sewer accounts

Mr. Weaver explained that in an effort to reduce the delinquent sanitary sewer accounts, the Township Authority has retained the services of Gary Imblum, Esquire. He noted that Mr. Imblum has provided the Board members with a recommendation to further reduce the delinquent accounts by shutting off the water supply to properties for which sewer rentals are overdue.

Mr. Imblum explained that in the past, the Township has filed a lien against property owners, and if needed, put the properties up for sale, if the sewer bills were not paid. He explained that this process is costly to the Township as well as costly to the sewer users. He noted that the statutes allow the Township to shut off water service to the residence. He noted that the procedure to do this would be to provide notice to the property owner that the water service would be shut shutoff, and then the Township would provide notice to United Water PA. He noted if there is no resolve to the delinquent bills, then the Township would have the water company shut off the service.

Mr. Hawk noted that the Township is responsible for the amount of revenue that is lost by the water shut down. Mr. Imblum noted that that is true and is stated in the statute; therefore,

he contacted United Water PA and was quoted a flat fee of \$50 to provide the disconnect service. He noted that the Township would be responsible for the shut-off costs, turn-on costs, and any loss of revenue to the water company. He noted that when he asked what the fee would be, he was quoted a flat fee of \$50. He noted that the \$50 fee would cover the disconnect and reconnect of the water, but no quote was given for the loss of revenue.

Mr. Seeds noted that a representative from the Sewer Authority would have to accompany the United Water PA worker. Mr. Seeds noted if the property owner made suitable arrangements, then the water service would need to be reconnected. Mr. Imblum noted if United Water PA is contacted by 3 p.m. that day, the water service will be reconnected the same day. Mr. Seeds questioned if the property owner would be charged \$50 to turn on the water. Mr. Imblum answered that in addition to the attorney's fees, the property owner would have to pay the \$50 fee. Mr. Seeds suggested that that was a low price. Mr. Wolfe explained that the fee would be charged per user. Mr. Imblum stated that he would call United Water PA again, to verify the fee schedule. He noted that this procedure is much less costly than putting the house up for sale, and he suggested that it should be a first step, prior to going through with the sale of the home.

Mr. Imblum noted that this would not solve the problem with the property owners who have private wells. Mr. Seeds questioned what percent of the residents have wells. Mr. Wolfe answered that it was roughly twenty-five percent. Mr. Weaver noted that most of those people have private septic systems, and there are only a small percentage of property owners that have wells and public sewer.

Mr. Weaver noted that the threat to turn off the water service is the key to the procedure. He noted that, in his experience, the Township would never get to the point where it would have to shut off the water service. He noted that most property owners make payment arrangements prior to that happening. Mr. Imblum explained that he used to handle the sewer accounts for Mr. Torok years ago, and at that point, the threat of disconnecting water service brought most people into compliance. He noted that it was very rare to actually disconnect the water service.

Mr. Seeds questioned how many days notice is given to the property owner. Mr. Imblum answered that the Township would provide ten days notice to the user and seven days notice to the water company. He suggested that if this occurs, the Township should provide the same timeline for a number of customers so the water company would only have to meet a Township representative on one specific day. Mr. Seeds noted if the water service was shut off and the property owner made arrangements the next day, the water company would need to turn the

water on. Mr. Imblum suggested that the Township would arrange to have the water company shut off the water on a certain day, and on that day, you would provide the water company with a list of names. He did not think the Township would be locked into the shut-offs for the specific date in event the property owner paid the bill.

Mr. Seeds questioned if anyone has spoken with Mr. Shoaff, since the water shut off would create an unsanitary condition. Mr. Weaver noted that he has done this in other municipalities and not one person ever had their water shut off. Mr. Hawk noted that somehow, people will find the money to pay their delinquent sewer bills. Mr. Wolfe noted that the Township was involved in impending sheriff sales for various properties, and at the last minute, the owners all came up with the money. He noted that the costs incurred by the property owner for a sheriff's sale are far greater than those for a water shutoff. Mr. Weaver noted that some properties could have a \$500 or \$1,000 bill, and including the legal fees, it would amount up to \$3,000 or \$4,000.

Mr. Hawk questioned if the posted notice for the disconnection of water service would spell everything out. Mr. Imblum noted that it would. Mr. Hawk noted if a person waited until 4 p.m. to pay the bill, then shame on them. Mr. Imblum noted that the Township could post the notices and request the Board of Supervisors to make the final decision as to shutting off the water service. Mr. Hawk noted if the Board does not take some definitive action, then it becomes an idle threat. Mr. Imblum noted that some people's properties may still need to be taken to sheriff's sale. Mr. Hawk noted if the water was not shut off, the person would not have to pay the \$50 fee, but they would still be responsible for the legal fees of \$195. Mr. Seeds questioned if the Township could charge a legal fee. Mr. Weaver answered that there have been no challenges to Act One to his knowledge. Mr. Imblum answered that the Township is permitted to charge reasonable legal fees for the collection account.

Mr. Wolfe explained that the total amount of delinquent fees due at this point is \$82,185, and is a small percentage of the overall collections of \$9.5 million. He explained that this is down from the amount of \$275,000 that was delinquent four or five years ago before the Township started to be more aggressive with delinquent accounts. He noted that the rate of delinquency is very low and the water shut off mechanics provides another tool to further encourage people to pay, and at the same time, to incur low adverse legal fees in the process.

Mr. Wolfe requested authorization to try this means to collect delinquent bills. Mr. Hawk questioned if special action would be needed for this. Mr. Wolfe suggested that it would not be needed.

Mr. Stine noted that the Resolution does not cover the procedures for the water shutoff. Mr. Wolfe noted that the Resolution would need to be amended to provide for water shut offs. Mr. Stine explained that if Mr. Imblum charges a legal fee, then it must be included in the resolution. Mr. Wolfe noted that he would have a resolution prepared for the meeting to be held on September 18, 2007.

Mr. Wolfe noted that the Township has gotten much better in the collection of delinquent funds. Mr. Seeds noted that it would hurt to be hit with all the legal fees. Mr. Imblum noted that this could not be assessed against a property owner in bankruptcy.

Mr. Wolfe noted that he would prepare the Resolution for the next meeting, and in the meantime, Mr. Imblum could move forward with the process.

Request from RSR Realtors to discuss the allocation of building permits in the Paxton Creek drainage basin

Mr. Weaver explained that he received a request from Dennis McEnany to discuss the Colonial Village Development which is a 160-unit development approved by the Board of Supervisors. He noted that he included a letter he provided to Bruce Foreman who had requested some sort of reservation of permits for their development. He noted that he responded to Mr. Foreman explaining what permits the Township has, and that it does not typically reserve permits for any development. He explained that Mr. McEnany, of RSR Realtors, requested to talk to the Board members regarding his request.

Mr. Hawk explained that the Township is only granted a limited number of permits to issue, and if the Township commits those permits, it would put the other developers on the outside looking in.

Mr. McEnany noted that the development located at 904 Colonial Road, Colonial Village, was owned by Eric Kessler, and it is his wish to sell the development due to his poor health. He noted that RSR has been offering the property for a year, and he explained that the housing market is taking a bit of a hit, but the Harrisburg housing market is still relatively strong. He noted that this is a 55-plus community, and the demographics show that there is a good solid need for this type of housing. He noted that the requirements to make this type of community successful is that it must be located close to shopping, banking, doctors, and it should be close to family. He noted that there are many empty-nesters who are looking to downsize their homes, and are looking for this type of housing.

Mr. McEnany explained that he has offered the development to developers from outside the area, and found that there is a great deal of interest in it. He noted that the problem occurs when the developers look at the ability to hook up to sewer. He noted that the Township is only permitted 63 connections per year.

Mr. McEnany explained that the community has 160 homes, in addition to other developments that are scheduled in the area. He noted that this becomes problematic in that in order to put this kind of money on the table; the developers need some type of assurance that they are going to have the EDU's available when the time comes. He noted that the developer would be responsible for an off-site pumping station that would need to be upgraded, and additional sewer lines must be run off-site which totals in the area of \$600,000. He noted that the other site improvements would cost close to \$20,000 per unit, and that would amount to \$3.2 million of improvements.

Mr. McEnany noted that in order to sell the property, the developer must have a good feeling to be able to build. He noted that the developers are looking to build 60 to 80 units per year, and when only 63 EDU's are available, they agree that the risk is outrageous. He explained that by the time the developer is ready to hook up; someone else may have used all the EDU's.

Mr. McEnany requested a meeting to get past this impasse. Mr. Wolfe noted that when he spoke to Mr. McEnany previously, he indicated that the Board would not be favorable to reserving permits. He questioned Mr. McEnany what specifically he was asking for. Mr. McEnany answered that when he decided to arrange to meet with the Board members, it was on a very short notice and he was not fully prepared.

Mr. Hawk noted that some permits would become available, and he suggested that Mr. McEnany is looking for some type of a commitment for roughly 40 permits. Mr. McEnany noted that he could not speak directly to it because he is involved in trying to sell the land for someone. He noted that he is not in any position to speak on anyone's behalf at this time.

Mr. McEnany noted that the Township is looking to make revenue according to the capacity of the sewer system. He noted that the first come, first serve basis appears very good, but it is onerous for someone who is willing to buy it. He noted that the chances of a buyer finding a lender who would be willing to go along with such a risk is outrageous. He noted that other municipalities provide for some reservations to use in capacity. He suggested that a system by which reservations could be made in such a way that the Township would benefit from income on the reservations could be used, and it would be priced by auction to the point where

they would find the value based upon the demand during the forthcoming year, and it would be paid for on a yearly basis. He noted that to purchase EDU's would be expensive.

Mr. McEnany questioned how much the sewer bills are per quarter. Mr. Weaver answered that they are \$96 per quarter. He noted that, at that rate, the Township would incur some expenses, and he questioned how much revenue income the Township receives. Mr. Blain noted that the budget is a zero-based budget, therefore, the \$96 of revenue that comes in is \$96 in expense, and it is either to service debt service, interest on the debt service, or the expenses for back-office services. He noted that the Authority is not in the business of making money; it is in the business of breaking even to provide the service to the constituents in the Township.

Mr. Seeds noted that the Township gets 63 permits a year, and there are 100 permits in reserve. He suggested that the Township has not turned anyone down for a permit in a long while. He noted that he could not allow one developer to reserve EDU's and not allow other developers to do the same, and he stated that he did not know how it could be done. Mr. McEnany suggested that it could be an enforcement type program where all the people who have developments and are planning to build in the Township would have the opportunity to reserve, for a yearly basis, how ever many they feel that they would need. The value of those reservations would reflect the value to all of the developer as a whole. Mr. Seeds noted that the Township would have to ask each developer how many permits they would need for each year, and then the Township would have to conduct a lottery and pick so many for each year. Mr. McEnany noted that that is not what he was saying. Mr. Seeds questioned how else it could be done.

Mr. Weaver noted that there are only two ways to do it; a first come, first serve basis, or an allocation as is done in Beaver Creek basin. He noted that the developers in the Paxton Creek basin wanted the system the way it is, and the same goes for the Beaver Creek basin. He noted that there have been no complaints filed from the developers.

Mr. Weaver distributed a chart showing the projected connection permits for the Paxton Creek basin with approved Planning Modules. He noted that this would typically be for everything connected to the City of Harrisburg. He noted that the top heading shows the number of projected sewer connections for a five year basis for Chapter 94. He noted that the charts show projects for 2007 through 2011, and at the bottom of the page, it shows the total number of permits issued, noting that 131 permits are available from all the past surpluses. He noted that he would carry over 81 permits into 2008. He noted that this includes the 93 permits from DEP.

Mr. Weaver explained that he met with DEP, and although some things remain to be worked out, they assured the Township that they would receive their 93 permits January 1, 2008, so it would bring the total to 174 permits for 2008.

Mr. Weaver noted that he provided a projection for the distribution of the permits to the 21 developments that are approved, noting that the LenMaur Plaza should be approved in the near future. He noted that Classis Communities used 70% of the permits, 19 for the Townes of Forest Hills. He noted that Amesbury would start to use permits this year. He noted that he put Colonial Village at 15 permits per year to show what the carry-over would look like under normal circumstances. He noted that on page two of the chart, he showed what it would look like if Colonial Village used 40 permits in 2008 and 2009, noting that there would be a surplus in 2008 of 25, but the surplus would be gone in 2009. He explained that additional permits may be issued in 2011, depending on the progress of the corrections for the Paxton Creek basin.

Mr. Hawk noted that the project would obviously be built in phases and would not need them all at once. Mr. McEnany noted that the developers that he is talking to are looking to develop 60 units per year. He noted that they are far more aggressive than the history shows for the Township. He noted that Pheasant Ridge has proposed an outstanding balance of 180 units. Mr. Wolfe noted that Paxton Town Centre may build a restaurant in the next year, and that could use 15 to 20 EDU's, and they are not included on the list. He noted that the point is that there are only a finite number of permits and it is the Township's position that it does not create a black market on permits or turn them into an economic quantity. He noted that the permits are issued on a first come, first serve basis. Mr. McEnany noted that the current process does not fly under the circumstances that he is dealt with. Mr. Stine suggested that no program will fly under his request. He noted if they want to do 60 to 80 units a year, it is not going to work.

Mr. Weaver noted that Colonial Village is smaller in size than Stray Winds Farms and there are many other 55-plus communities at this time to include, Amesbury, the Villas at Forest Hills, and one-half of Stray Winds Farms will be over 55. Mr. Weaver noted that no one else has complained about this. But he questioned why they would need 60 to 80 building permits or how they would be able to sell that many units with all the other competition.

Mr. Blain noted that the economics of what Colonial Village would be selling has nothing to do with the discussion; he noted that Mr. McEnany wants to work with the Township to receive more sewer permits so he can sell that piece of property to build more homes. He noted that the Township cannot do anything for Mr. McEnany at this time. He would need to

come back to the Township with a proposed plan on what is planned in order for the Board members to have something to consider.

Mr. Seeds noted that the Township would have to change its allocation system. Mr. McEnany noted that he is looking for a fair system. Mr. Weaver noted that there is no system that would provide more permits than anyone else. He noted that 60 to 80 permits are not available to one developer. Mr. Hawk noted that Mr. Foreman was requesting 40 permits, and Mr. McEnany was requesting 60 to 80 permits, and the Township does not have a plan to know how it would be phased in. Mr. Hawk questioned if he was at liberty to divulge the prospective buyer. Mr. McEnany answered that he was not. He noted that two prospective buyers both note that this is a stumbling block. Mr. Wolfe noted that there is a significant list of developers who are working within the system, and one is moving forward with the Stray Winds Farms development.

Mr. Hawk noted that he would not want to be unfair to the local developers who work in the Township in favor of someone who would come in from out of town. Mr. McEnany noted that that is not what he envisioned, rather the developer would reserve permits with some money to back it. Mr. Stine noted that typically, reservations of capacity are something you don't do in connection limitation.

Mr. McEnany questioned if anyone could vision a solution to the problem since it is a real problem for him. Mr. Wolfe noted that he did not see one, noting that any allocation system that is going to reserve 40 permits for him is also going to have to take into account Stray Winds Farms and Autumn Oaks, both of which are on the same time line. He noted that neither of the developers have requested reservations, and would scream bloody murder if the Township did pledge to someone else and not offer it to them. He noted that all three would request more permits than what would be used in a period of time. Mr. McEnany noted that the request would require some cost. Mr. Wolfe questioned how you would apply the costs equally to the individual lot owner who wished to build, and how do they get a permit. Mr. Wolfe noted that the Township has not found a way for the reservation of permits. He noted that he has never had a developer ask for 60 permits in the Township.

Mr. Weaver noted that the developers came up with the process for the Beaver Creek basin. He noted that whatever proposal Mr. McEnany would come up with, the Board would need to agree to, and then the other developers would need to agree with it. Mr. Hawk noted that the ability to secure reservations is not feasible. Mr. McEnany noted that he would do some research to find someone who has come up with a plan to alleviate this problem.

Improvement Guarantees, Development Agreements, Plan Reaffirmations, etc.

Resolution 07-08, Planning Module for TNP Carwash

Mr. Weaver noted that this resolution is for the carwash off of Union Deposit Road.

Mr. Blain made a motion to approve Resolution 2007-08, the Planning Module for TNP Carwash. Mr. Seeds questioned if this was a public meeting. Mr. Stine noted that these are listed for approval tonight. Mr. Wolfe noted that on an annual basis, the Township advertises the workshops to take action on improvement guarantees, development agreements, plan reaffirmations and related activities. Mr. Hawk noted that the Board has been doing this for the past couple years. Mr. Seeds seconded the motion. Mr. Hawk called for a voice vote, and the motion carried unanimously.

Review of questions raised by the Village of Linglestown Committee
regarding the Linglestown Square Project

Mr. Wolfe provided the Board members with an email he received from Mr. Kessler, Chairman of the Village of Linglestown Committee, and his response to the email. He noted that he would like to review this with the Board, noting that there are several items that will need further Board discussion.

Mr. Wolfe noted that Mr. Kessler referred to street lights in his email. He explained that there are two types of street lights to be considered for the project, one that is a PPL decorative street light, but the Village Committee would prefer something more ornate and more costly. He noted that he told Mr. Kessler that it would be determined by the project budget, and it could possibly be bid as an alternate. He noted the PPL lights are ornamental, but not of the same style as what the Committee is looking for. Mr. Seeds noted that there is a question of who would maintain the street lights, noting that PPL would maintain their lights, whereas, the Township would have to maintain the Committee's choice of lights. He noted that this would be an ongoing cost that would need further consideration. He noted that the Committee chose their light standard, a year or so again, and suggested that it was a good idea to bid this as an alternate.

Mr. Wolfe noted that street tree issue has been resolved with Dr. Lacasse and the Shade Tree Commission.

Mr. Wolfe noted that Mr. Kessler was concerned that the Linglestown Fire Company has committed to the Dauphin County Fireman's Convention scheduled for June of 2009. He noted that he could not commit that the project would be completed in time for this event. Mr. Seeds

noted that this is a big event that would draw a lot of people. Mr. Wolfe suggested that they would be better off switching the year with another fire company. Mr. Seeds noted that he would recommend this to them as well. Mr. Hawk noted that PENNDOT is running the project and the Township has no control over time schedules. Mr. Wolfe noted that he would contact Mr. Minsker in regards to this issue.

Mr. Wolfe noted that the project costs are a concern as to how it would affect streetscape since the project's right-of-way acquisition is far more expansive than what was originally expected in effort and cost.

Mr. Wolfe noted that Mr. Kessler had a concern regarding the installation of public water through the Village. Mr. Wolfe noted that in regard to public water, the Township would ask United Water to install public water and inform Representative Ron Marsico of the issue, but he did not agree with Mr. Kessler's representation that the cost is outrageous. He noted that the cost estimate that Mr. Kessler referred to is \$14,781 per interested household with 24 households showing an interest. He noted that there are 85 properties that could connect to the proposed water service, and the connection cost would be approximately \$2,200 if all those eligible were served. He noted that it is not the PUC's policy to ask the water company and the general rate payers to assume the costs to install public water for areas where people aren't interested in public water. He noted that 70% of the people surveyed were not interested in public water. He explained that public water would only be part of the project if there was a dramatic increase in the amount of interested persons. He noted that this was how the Township was able to complete the Fox Street project. He explained that seven years ago, the Township cooperated with the residents to install water lines in an area between Fox and Catherine Streets to serve roughly 35 properties, and the cost per individual household was roughly \$1,000 with the Township doing the roadway restoration. He noted that the credit that the water company received for each connecting property owner, plus the \$1,000, paid for the entire project cost. He noted that the water company now receives \$3,000 per new water connection, and the total estimate for the water line is \$426,000. He noted if all 85 residents participated, it would amount to \$250,000 and the remaining costs of \$170,000 would be split among the 85 participants.

Mr. Seeds noted that the Committee was under the impression that more than 24 people were interested in connecting to water service. Mr. Wolfe noted that everyone has always said that they want public water, but when asked if they will pay to connect, the number drops dramatically. Mr. Wolfe noted that he would check the numbers with Mr. Case. Mr. Seeds noted that if only 24 people are interested, then a notice should be sent to the residences to inform them

of the costs. Mr. Hawk suggested that the hook up connection is cost prohibitive. Mr. Wolfe explained that he would speak with Representative Marsico, United Water PA and the Committee about this issue.

Mr. Wolfe noted that storm water drainage from roofs is another issue of concern, and that he is engaged in ongoing discussion with PENNDOT on this matter. He explained that PENNDOT's position is, no, you cannot connect water from private properties into the public system into PENNDOT right-of-ways. He noted that he has asked PENNDOT to reconsider this matter. Mr. Seeds suggested that you could have a Township system and that could connect to the PENNDOT system, but individual systems are not permitted. Mr. Seeds noted that a Township system would be cost prohibitive.

Mr. Wolfe noted that the Capital Area Transit (CAT) bus stop has been resolved, noting that Arora and Associates and CAT have resolved this issue. Mr. Seeds questioned where the bus stop would be located. Mr. Wolfe answered that he did not know the exact location, but CAT selected the location.

Mr. Wolfe noted that the Committee asked for special material for crosswalks, and he suggested that the Board members did not care either way. He noted that budget would be an issue. Mr. Blain questioned if the Committee wanted to install bricks. Mr. Wolfe noted that they are requesting stamped concrete or stamped asphalt. He noted that it is very nice, and it would look great. He suggested that the Board of Supervisors would not be in opposition to this. Mr. Hawk noted that stamped concrete would be fine as long as there is enough money in the budget.

Mr. Wolfe noted that the Committee would like the Township to move ahead with the southwest parking lot that would be located behind the St. Thomas Roaster's. He noted that he would have to wait until the Eagle Hotel issue is resolved. He noted that the Committee never provided the Township with a northeast parking lot location, and did not provide for four satellite parking areas. He noted that the recommendation was only for three sites. Mr. Seeds noted that the fourth location was something to be considered down the road in the future. He noted that Lio's has his own parking lot and there is no problem in that sector. He suggested if another parking lot was added, it should be near the St. Thomas Roaster's. Mr. Wolfe noted that, in his discussions with Mr. Archibald, he was willing to consider this, however, he wants something from the Township. He noted that he wants certain land use considerations, and the Zoning Hearing Board turned down his request. Mr. Seeds suggested that Mr. Archibald would present a downsized plan to the Zoning Hearing Board in the near future. Mr. Wolfe noted that if he is granted a variance, then there would be a need for the additional parking area. Mr. Wolfe

explained that he talked to Mr. Archibald several times and met with him on-site with Mr. Case, but, he never followed up since no decision has been made to move forward. He noted that the Township does not have a right to the property, and would have to acquire it, similar to what was done with the Church. He noted that the Township has nothing to offer Mr. Archibald at this point.

Mr. Wolfe explained that the process to lease the church property took 18 months to complete, and suggested that the Township may need time to work out the process with Mr. Archibald. Mr. Seeds noted that if the Township builds another parking lot, it should be located in that area as that is the next area of need. Mr. Wolfe suggested that Mr. Archibald should be paving the lot himself as he is supposed to have paved parking for the St. Thomas Roasters. He noted that he could be cited for violation of Township regulations.

Mr. Wolfe noted that the Committee wants the Township to pave all of Blackberry Alley between North Mountain Road and Blue Mountain Parkway. Mr. Hawk noted that Mr. Wolfe is right in that the Township does not have the right-of-way to do this. Mr. Seeds questioned if there could be a process to gain the right-of-way. Mr. Wolfe noted that it would not be part of the federal right-of-way acquisition process, and that this would have to be paid by Township funds. Mr. Stine noted that it would have to be a separate effort outside of the project. Mr. Wolfe noted that it would be a very complicated process, and there are no federal funds to pay for it. He suggested that it would be very helpful if the property owners would dedicate the alleys to the Township. Mr. Seeds suggested that this should be looked into. Mr. Wolfe noted that he is not sure the property owners are willing to do this. Mr. Seeds questioned how the Township was able to pave the alley in front of the Church parking lot. Mr. Wolfe answered that the Township is required to make the improvements to the alley that abuts the church property as part of the lease agreement with the Church. Mr. Seeds questioned if you have permission for one side of the alley, then do you need it for the other side of the alley. Mr. Wolfe noted that it is a communal right-of-way that the property owners have legal right to use and maintain. He noted that a property owner has a right to use what is servicing its property. He noted that the Township has that right where it abuts Koons Park, but it does not have the right behind the St. Thomas Roasters. Mr. Seeds noted that there are only one or two property owner's westbound from the Church property along Blackberry Alley. Mr. Wolfe noted that the easy way to handle the issue would be to authorize the condemnation of the right-of-ways. Mr. Stine noted that people could petition the Township that they be made public alleys, but there would be a potential for

damages. Mr. Wolfe noted that he needs to concentrate on getting the right-of-ways for the project, as there are 100 properties, and he has only secured two right-of-ways at this time.

Mr. Wolfe suggested that the Board could charge the Committee to work to acquire the right-of-way for the alleys. Mr. Seeds suggested that this would be a good idea.

Mr. Wolfe suggested that the Committee members could be invited to attend the October 9, 2007 workshop meeting instead.

Presentation of the 2007-2008 Dauphin County Gypsy Moth Suppression Program

Mr. Wolfe noted that it is Gypsy Moth evaluation time, and the Board must decide if it wants to participate in the Dauphin County Gypsy Moth Suppression Program. He noted that for the property owners who have a qualifying property, the Township would absorb the municipal share of the cost. He noted that this would be from \$2,500 to \$3,500. Mr. Seeds noted that there are not too many people who qualify for the program. He noted that the Township could charge the residents, but he suggested that it would be difficult to do so. Mr. Wolfe noted that the Township is looking for a decision as to whether it should participate in the program, and it is not necessary to explain how the bill would be paid. He noted that the Township must notify Dauphin County by October 1, 2007 of its decision.

Mr. Blain noted that it was agreed that the Board would agree to participate in the Dauphin County Gypsy Moth Suppression Program.

“Otta Know” Presentation: PEG TV & Comcast cable franchise renewal

Mr. Wolfe explained that he would like to demonstrate an example of a PEG TV channel. He explained that PEG stands for Public, Education and Government Channels. He explained that, under the cable franchising law, the Township is allowed to negotiate a channel for the public to use, education to use for schools, colleges etc., and government to use for meetings and other purposes. He noted that these franchising requirements are referred to as PEG channels, and the Capital Region Council of Governments (CRCOG) has been working with a provider, PEG TV, to potentially provide PEG television channels as part of the franchise agreement to provide programming for active governmental channels. He noted that the video demonstration would show what PEG TV can do for the Township.

Mr. Wolfe explained that PEG TV would provide the pictures, formatting, copy, but the Township would have to provide the content. He noted that they would provide scores for local

sporting events, and this could be done on a multi-municipal basis. He noted that CRCOG is still investigating the levels of participation by members. He noted that the Township could have its own channel that would be televised only to residents of the Township.

Mr. Wolfe noted that the cost for a channel running 24 hours a day is less than \$10,000 a year, on an individual basis. He noted that he does not have a price quote as a participant in the CRCOG.

Mr. Seeds questioned what services could be provided through the PEG TV that the website could not do. Mr. Wolfe answered that it would be similar to the website, but it would be on the TV. He noted that the Board meetings would be televised on this channel, and the Township would have the ability to replay meetings. At the current time, this is not an option for the Township. He noted that the Township does not have the equipment for delayed broadcast of televised meetings. He noted that it would require a different system than what is currently used.

Mr. Blain questioned what response Mr. Wolfe was looking for from the Board members. Mr. Wolfe noted that he was only providing input from the CRCOG about the PEG TV service. He noted that they are exploring the option of an active governmental channel in the COMCAST service area. He noted that he would hope to provide a more formal presentation as part of the budget operations, and should be able to provide costs estimates at that time.

Mr. Seeds questioned if the Township could have its own channel. Mr. Wolfe answered that the Township could pay the costs for its own channel or share a channel and costs with other municipalities. He suggested that it might be good to share the costs among school district boundaries.

Mr. Wolfe noted that if the Township enters into a franchise with VERIZON, then the Township could request a PEG TV channel from VERIZON as well.

Mr. Wolfe noted that he provided a status report from Dan Cohen in regard to the Cable franchise renewal which would be coming up soon with COMCAST. He noted that Mr. Cohen sent a letter to COMCAST, on behalf of the 25 or more members of the CRCOG, and informed COMCAST that he would begin franchise negotiations for a new franchise agreement. He noted that the Township's franchise does not expire until 2009 or 2010. He explained that the CRCOG has told COMCAST that they want to start negotiations now, and they have also sent correspondence to VERIZON informing them that CRCOG would like to negotiate a franchise agreement for television services over their fiber optic network, but they have received no response from VERIZON. He noted that VERIZON has begun television services in the Philadelphia and Pittsburgh areas. He suggested that the Harrisburg area is next. He noted that,

as part of the franchise agreement, the Township would want to ensure that it has a PEG TV channel that is suitable to its municipality in order to offer the service to the community.

Mr. Hawk questioned if COMCAST would increase it rates for this service. Mr. Wolfe answered that it would be included in the bill, but they are required to provide the service. He noted that the price would be negotiated through the CRCOG. He noted that he would provide more information closer to budget time as he receives it.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Seeds seconded the motion, and the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman
Township Secretary